

MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF AGRICULTURE MARKETING AND REGULATORY
PROGRAMS,
THE U.S. DEPARTMENT OF AGRICULTURE RESEARCH, EDUCATION, AND
ECONOMICS,
AND
THE DEPARTMENT OF HOMELAND SECURITY
SCIENCE AND TECHNOLOGY DIRECTORATE

This is a Memorandum of Agreement (MOA) between the U.S. Department of Agriculture (USDA) Marketing and Regulatory Programs (MRP), the USDA Research, Education, and Economics (REE), and the Department of Homeland Security (DHS) Science and Technology Directorate (S&T). When referred to collectively, USDA MRP, USDA REE, and DHS S&T are referred to as the "Parties."

1. BACKGROUND:

- 1.1. The President's Budget request for Fiscal Year (FY) 2019 proposed transferring operational responsibility for the National Bio and Agro-Defense Facility (NBAF), including operational planning and future operations of the facility, from DHS to USDA.
- 1.2. In the Consolidated Appropriations Act, 2018, Pub. L. 115-141, Congress provided specific guidance that "DHS retains responsibility for completing construction of NBAF." DHS will therefore continue to oversee and manage all activities required to attain initial operating capability (IOC). The DHS-approved NBAF Acquisition Program Baseline document defines IOC as the completion of facility commissioning. For planning purposes, any operational responsibilities that may be transferred to USDA would not include those activities that are required to attain IOC and should therefore be managed by DHS.
- 1.3. The Consolidated Appropriations Act, 2018, Pub. L. 115-141 also directed DHS to "maintain the ability to readily execute the Management, Operations, and Research Support contract through the end of fiscal year 2018 if DHS or USDA determine that its utilization would expedite or enhance NBAF's ability to be fully operational by December 31, 2022."
- 1.4. DHS was appropriated \$15 million in the Consolidated Appropriations Act, 2018, Pub. L. 115-141 for NBAF operational planning.
- 1.5. USDA was appropriated \$4 million in the Consolidated Appropriations Act, 2018, Pub. L. 115-141 to begin hiring NBAF operational staff and other NBAF operational requirements roles.
- 1.6. USDA was appropriated \$42 million in the Consolidated Appropriations Act, 2019, Pub. L. 116-6 to address stand-up activities and other initial costs to operate and maintain the facility.

- 1.7. Per the Consolidated Appropriations Act, 2019, Pub. L. 116-6, “the Secretary of Homeland Security may transfer personnel and up to \$15,000,000 in unexpended balances of amounts made available to the Department of Homeland Security under the heading "Science and Technology Directorate-Operations and Support" in division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141) to the Department of Agriculture for the purpose of contract and associated support of the operations of the National Bio and Agro-defense Facility: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 30 days in advance of such transfer.”
- 1.8. Per guidance from OMB, the Parties formed a joint transition team, led by USDA, to develop plans to transition operational responsibility to USDA.
- 1.9. In a decision memorandum dated May 18, 2018, the NBAF Executive Steering Committee (ESC) approved that USDA policy, rather than DHS, will serve as the guidance for establishment of NBAF Information Technology (IT) systems. Therefore, all NBAF IT requirements, systems, and architecture will conform to USDA IT policies.
- 1.10. DHS awarded the Operational Planning and Technology Integration Contract (OPTIC) in April 2017.
- 1.11. DHS and USDA have been actively planning to transfer NBAF operational responsibility during the development of this MOA. Therefore, some responsibilities and activities listed within this MOA may have already been completed.

2. PURPOSE & SCOPE:

- 2.1. The purpose of this MOA is to establish a framework under which the Parties will plan and execute the systematic transfer of NBAF operational responsibility from DHS to USDA. This MOA will allow the Parties to establish a common understanding of the requirements for establishing NBAF, responsibilities for each agency, and considerations for interagency coordination once NBAF is operational. Establishing the management and operations of NBAF requires a long lead time to ensure successful transition between completing construction and establishing operations of the facility. A transition of this complexity involves detailed multi-agency planning for a multitude of topical areas: program administration; federal staffing levels; budget requirements; contract requirements; transfer of real, personal, and intellectual property; partnerships and communications; and program documentation and record keeping.
- 2.2. To clarify the Parties’ responsibilities during planning and execution of transferring NBAF operational responsibility to USDA, the Parties identified four distinct phases of the overall process. These four phases are defined as follows:
 - a. **Phase 1: Prior to Congressional action with regards to the President’s Budget request.** Prior to appropriations to USDA for NBAF operational requirements beyond the \$4 million received in FY 2018, all transition planning activities will be based on the guidance issued in the President’s Budget request for FY 2019 and

Congressional statements contained in the Consolidated Appropriations Act, 2018, Pub. L. 115-141.

- b. **Phase 2: Following USDA receiving NBAF operations funding in FY 2019.** In the Consolidated Appropriations Act, 2019, Pub. L. 116-6, Congress provided appropriations to USDA to address stand-up activities and other initial costs to operate and maintain the facility, thereby commencing this phase in which the Parties will execute transition activities developed during Phase 1. All transition activities will be executed under the leadership of USDA as the transition lead agency.
- c. **Phase 3: Following attainment of IOC.** Once NBAF is successfully commissioned, DHS will have completed its responsibility to attain IOC as required by the Consolidated Appropriations Act, 2018, Pub. L. 115-141. Several transition activities are dependent on DHS completing facility commissioning.
- d. **Phase 4: Following attainment of full operating capability (FOC).** Once select agent registration is acquired for the NBAF laboratory spaces and the Secretary of Agriculture issues a permit for work on live virus of foot and mouth disease at NBAF, the facility will be fully operational and the existing mission can be relocated from the Plum Island Animal Disease Center (PIADC). This phase includes both transferring the mission from PIADC and fully functional NBAF operations following that transition.

3. AUTHORITIES:

3.1. The Consolidated Appropriations Act, 2018, Pub. L. 115-141

3.2. The Consolidated Appropriations Act, 2019, Pub. L. 116-6

4. RESPONSIBILITIES:

4.1. Phase 1: Prior to Congressional action with regards to the President's Budget request

a. USDA Responsibilities:

i. Program Administration

- USDA will serve as the lead for all transition planning activities, including reporting transition status to OMB and Congress.
- The interagency NBAF ESC, including the working groups and operational planning cell supporting it, is currently led by DHS to provide oversight of the NBAF program. Upon full execution of this MOA, the MOU that establishes the NBAF ESC will be amended to add representatives from USDA ARS and USDA APHIS as co-leads and reflect updated responsibilities as defined in Phase 1 of this MOA.
- The new working groups created within USDA will provide technical and advisory services to the NBAF ESC.

ii. Staffing

- USDA was appropriated \$4 million in the Consolidated Appropriations Act, 2018, Pub. L. 115-141 to begin hiring NBAF operational staff. USDA will work with DHS to increase staffing beyond October 1, 2018 as required by the construction commissioning schedule.
- To maintain the integrity of the existing DHS oversight approach for the NBAF construction/commissioning contract, USDA staff working on the NBAF construction site performing Central Utility Plant (CUP) operations and commissioning shadowing activities will function as part of the on-site DHS oversight team. USDA staff will inform on-site DHS leadership of any comments, questions or concerns.
- In addition to the USDA new hires, USDA, in coordination with DHS, will plan for the effective and expedient transfer of DHS employees as agreed to in Sections 4.2 (b)(ii), 4.3 (b)(i), and 4.4 (b)(i) of this MOA.

iii. Budget

- In preparation for responding to Congressional inquiries and OMB requests regarding the potential transfer of NBAF operational responsibility to USDA, USDA will develop funding requirements for NBAF operations and research and development (R&D) for FY 2020 and beyond.
- The scientific funding requirements developed by USDA will address the planned full utilization of the capabilities brought forth through the NBAF.

iv. Information Technology

- USDA will complete the requirements and responsibilities specified in a Decision Memorandum for the NBAF ESC, dated May 18, 2018.

v. Contracts

- OPTIC provides critical operational planning support, such as IT and biorepository transfer planning, which must continue regardless of the future operator of NBAF. While OPTIC will remain a DHS contract in this phase, USDA will provide technical advice to DHS for OPTIC work packages:
 1. USDA will provide inputs to DHS for OPTIC non-IT work packages and modifications to support the eventual transition of OPTIC to USDA.
 2. USDA will provide technical approval of NBAF IT system submittals being developed by DHS with support by OPTIC.
 3. USDA, in coordination with DHS, will provide technical review and concurrence to the OPTIC Contracting Officer's Representative (COR) on all IT plans and products developed by OPTIC to ensure plans and products meet both facility-specific and scientific needs for USDA's operation of the NBAF.

vi. Partnerships and Communications

- USDA will assist current DHS outreach efforts by reviewing and assessing its strategic aims against steady-state program activities (e.g., Community Liaison Group, media engagements, and stakeholder presentations) and will work with DHS to identify opportunities for USDA to augment or supplement strategic communications activities and outreach plans on a case-by-case basis.
- USDA will host a monthly USDA/DHS Communications Working Group planning session for the purposes of information sharing and strategy development.
- USDA will provide and maintain a web-based platform for both USDA and DHS to share documents and collaborate on plans and materials that support partnership development and strategic communications activities.
- USDA will evaluate additional authorities such as enhanced-use lease authority to have additional flexibilities in partnering with other entities at NBAF (e.g., Biologic Development Module).
- USDA scientific staff will review the previously developed Program of Requirements to validate ARS and APHIS science plans, address the gaps that were created by the removal of the DHS agro-defense program, and plan for full R&D funding for NBAF.

b. DHS Responsibilities:

i. Program Administration

- DHS will support USDA in planning for the operational transition.
- DHS will continue to lead the operational planning cell and coordinate all operational planning activities with USDA.
- All previous NBAF ESC working groups managed by DHS will be suspended, with the exception of the Facility Advisory Team, which will continue to advise the DHS construction project manager regarding potential modifications to NBAF design and construction requirements.
- DHS will provide quarterly briefings to OMB regarding NBAF construction status.

ii. Staffing

- DHS, in consultation with USDA, will plan for the appropriate timing and necessary mechanism to transfer identified DHS employees to USDA for NBAF activities while ensuring that DHS has the proper staffing levels to operate PIADC and complete Plum Island closure activities following the mission transfer to NBAF.
- DHS will consult with USDA when filling new positions or backfilling positions at PIADC that would be expected to transfer to USDA.

iii. Budget

- The Consolidated Appropriations Act, 2018, Pub. L. 115-141 provided \$15 million to DHS for NBAF operations. DHS will determine the best application of its FY 2018 appropriations for NBAF operations fully

taking into consideration proposals to transfer NBAF operational responsibility to USDA.

- DHS will provide historical life cycle cost estimate (LCCE) documents to USDA to support budget planning for NBAF operations.

iv. Information Technology

- DHS will complete the requirements and responsibilities specified in a Decision Memorandum for the NBAF ESC, dated May 18, 2018.
- The NBAF IT Director will provide USDA with all information and documentation required to support Authority to Operate review and certification for all installed NBAF IT systems.

v. Contracts

- DHS will develop a plan, in coordination with USDA, for what work DHS will manage through OPTIC in FY 2018 and planned work in FY 2019.
- The Consolidated Appropriations Act, 2018, Pub. L. 115-141 directed DHS “to maintain the ability to readily execute the Management, Operations and Research Support (MORS) contract through the end of fiscal year 2018 if DHS or USDA determine that its utilization would expedite or enhance NBAF's ability to be fully operational by December 31, 2022.” DHS will thereby keep the MORS solicitation in a ready state should a decision be made by USDA to proceed with the request for proposal (RFP).
- DHS, in coordination with USDA, will plan for maintaining the continuity of OPTIC services.

vi. Partnerships and Communications

- The DHS Partnerships Director – a Kansas State University employee staffed through the Intergovernmental Personnel Act (IPA) – and the NBAF Program Manager will continue to lead and support execution of local NBAF communications activities, including *Manhattan Mercury* columns, KMAN radio interviews, and local and regional outreach in coordination with USDA communication offices.
- DHS will continue to support development and delivery of briefing content in areas of DHS ownership to USDA for internal and external messaging and to ensure overall program consistency.
- DHS will provide monthly updates to USDA on recent outreach activities and future outreach plans.
- DHS will actively look for and discuss opportunities to involve USDA in local and regional outreach activities and presentations where principal visibility by USDA or joint agency presence may benefit transition efforts.

4.2. Phase 2: Following USDA receiving NBAF operations funding in FY 2019

a. USDA Responsibilities:

i. Program Administration

- USDA assumes all responsibility for operational stand-up planning.
- USDA, in consultation with DHS, will amend the NBAF ESC MOU to reflect any legislative changes that have occurred and reflect updated responsibilities as defined in Phase 2 of this MOA.
- USDA will develop a schedule for operational stand-up, including the transfer of the existing mission from PIADC to NBAF. This schedule will be developed in coordination with DHS to integrate USDA-managed activities with DHS-managed activities, including NBAF construction and Plum Island closure.
- USDA will fulfill the government's contractual requirement in the construction management contract to assume responsibility for facility operations of NBAF upon the contractor achieving the contractually specified milestone of substantial completion.

ii. Staffing

- USDA will work with DHS to increase staffing beyond October 1, 2018 as required by the construction and commissioning schedule.
- To maintain the integrity of the existing DHS oversight approach for the NBAF construction/commissioning contract, USDA staff working on the NBAF construction site performing CUP operations and commissioning shadowing activities will function as part of the on-site DHS oversight team. Comments, questions, and concerns raised by USDA staff in performing these duties will be addressed via processes established by the on-site DHS team.
- As the gaining organization, USDA will be responsible for processing the transfer of existing NBAF billets/staff from DHS to USDA as noted in Section 4.2 (b)(ii) of this MOA. For each DHS S&T position listed in Section 4.2 (b)(ii) of this MOA, USDA will ensure there is a vacant position at NBAF at the same grade level.

iii. Contracts

- USDA will assume operational planning activities with the OPTIC contractor through its own agency procurement mechanisms.
- The MORS solicitation, or similar operational contract, may be issued if USDA and DHS determine that it will enhance the probability of NBAF becoming fully operational as scheduled.
- The period of performance for the current Protective Security Officer (PSO) contract at the NBAF site goes through September 30, 2020 with an option to extend services through March 31, 2021. DHS and USDA will determine how and when to transition ownership of PSO services from DHS to USDA, including if there is a need for a transition period overlap between the contracts.

- USDA will work with DHS to develop and implement a plan for the transfer of all utility accounts that service NBAF that will become the responsibility of USDA. USDA will be responsible for establishing new area-wide agreements with the General Services Administration (GSA), as necessary.

iv. Budget

- USDA will continue developing funding requirements for NBAF operations and R&D for FY 2020 and beyond.
- USDA will begin budgeting in FY 2020 for the salaries of the seven DHS staff located in Manhattan, Kansas to be transferred in this phase.

v. Partnerships and Communications

- USDA will take the lead for all outreach and communications activities previously executed by DHS.
- All site visits will be coordinated and approved by DHS.

vi. Real, Personal, and Intellectual Property:

- USDA, in coordination with DHS, will lead the planning process for transferring ownership of all real property (land, buildings, and other improvements) and personal property from DHS to USDA.
- USDA will identify real and personal property acceptance protocols. USDA will be responsible for providing all equipment identified as USDA property, as required.
- USDA will assist with the transfer of all DHS intellectual property relating to the NBAF, including trademarks and logos.

b. DHS Responsibilities:

i. Program Administration

- DHS maintains responsibility for management of ongoing construction and commissioning programs through the end of all activities at IOC.
- DHS will support USDA in amending the NBAF ESC MOU to reflect any legislative changes that have occurred and reflect updated responsibilities as defined in Phase 2 of this MOA.

ii. Staffing

- DHS will support transferring seven of the eight DHS S&T federal billets based in Manhattan, KS to USDA by providing the necessary documentation to USDA.
 1. IT Manager, DHS master record number 64763
 2. Technical Director, DHS master record number 54568
 3. Lead Engineer, DHS master record number 61768
 4. Field Engineer, DHS master record number 57694
 5. Field Engineer, DHS master record number 57569
 6. Engineering Technician, DHS master record number 57407
 7. Security Director, DHS master record number 59960

- DHS will also support the process to detail six of these seven staff members to DHS to complete construction and commissioning of NBAF. The IT Manager will not be detailed to DHS upon transfer to USDA.
- Three of the 34 DHS S&T billets supporting PIADC may be transferred to USDA, pending Congressional authorization and DHS and USDA approval:
 1. Microbiologist, DHS master record number 59585
 2. Microbiologist, DHS master record number 20505
 3. Microbiologist, DHS master record number 59584
 - DHS will consult with USDA when filling new positions or backfilling positions at PIADC anticipated to be transferred to USDA.

iii. Budget

- DHS will work with USDA on the timing of any transfer and identifying the amounts available for transfer.
- DHS will no longer request any funding for NBAF operations or NBAF staff salaries.

iv. Contracts

- DHS will continue to manage all contracts related to the NBAF construction.
- DHS will facilitate coordination between the construction contractor and USDA for necessary touch points (e.g., commissioning, computerized maintenance management system, equipment outfitting, etc.).
- DHS will coordinate with USDA to complete active OPTIC tasks and close the contract out.
- DHS will support USDA acquisition planning for the NBAF operations contract, if necessary.
- The period of performance for the current contract for PSO services at the NBAF site goes through September 30, 2020 with an option to extend services through March 31, 2021. DHS and USDA will determine how and when to transition ownership of PSO services from DHS to USDA, including if there is a need for a transition period overlap between the contracts.

v. Partnerships and Communications

- The DHS Partnerships Development Director will support the NBAF Program through the IPA's period of performance end on April 5, 2019.
- DHS will continue to maintain existing website and communications materials for construction only and will refer any operations and general program questions to USDA.
- DHS will transfer to USDA ownership of any requested partnership development strategies, communications plans, marketing materials or collateral documents.
- The site visitor policy will be written and managed by DHS.

- vi. Real, Personal, and Intellectual Property
 - DHS will support the planning process for transferring ownership of all real property (land, buildings, and other improvements) and personal property from DHS to USDA.
 - DHS will determine if any existing permits should be transferred from DHS to USDA and if so, will lead the transfer process. DHS will provide future permit requirements to USDA.
 - DHS will support the transfer of all DHS trademarks and logos relating to the NBAF.

- vii. Project Record
 - The NBAF project record, not including contract files related to NBAF construction, will be transferred to USDA.

4.3. Phase 3: Following attainment of IOC

a. USDA Responsibilities:

- i. Program Administration
 - The NBAF ESC MOU will be amended to address PIADC coordination and the MOA with DHS on its research and development priorities for NBAF.

- ii. Staffing
 - As the gaining organization, USDA will be responsible for processing the transfer of existing NBAF billets/staff from DHS to USDA as noted in Section 4.3 (b)(i) of this MOA, pending Congressional authorization. For each DHS position listed in Section 4.3 (b)(i) of this MOA, USDA will ensure there is a vacant position at NBAF at the same grade level.

- iii. Contracts
 - Complete the transfer of all utility accounts that service NBAF to USDA. USDA will be responsible for establishing new area-wide agreements with GSA, as necessary.

- iv. Real and Personal Property
 - In collaboration with DHS, USDA will complete the transfer of all real and personal property, including the land, buildings, structures, and equipment procured as part of the construction contract. Congressional authority is required to transfer NBAF real property without reimbursement by USDA. Ownership and federal reporting requirements become the responsibility of USDA.
 - USDA will be responsible for relocating any materials and records that are required to be relocated from PIADC to NBAF, inclusive of the biorepository.
 - USDA will lead the transfer of all necessary permits from DHS to USDA.

b. DHS Responsibilities:

i. Staffing

- DHS will consult with USDA when filling new positions or backfilling positions at PIADC that would be expected to transfer to USDA.
- The detail of USDA employees to DHS will terminate and they will return to USDA.
- Pending Congressional authorization, DHS will support transferring the remaining DHS S&T federal billet based in Manhattan, KS by providing the necessary documentation to USDA:
 1. Program Manager, DHS master record number 30336
- As noted in an internal DHS memo dated June 14, 2018, one of the four DHS Federal Law Enforcement Training Centers (FLETC) federal billets based in Manhattan, KS will transfer to USDA to support NBAF operations, pending Congressional authorization:
 1. Procurement Officer, DHS master record number 61240Other FLETC federal billets currently supporting NBAF will remain with DHS.

ii. Real and Personal Property

- All real and personal property, including the land, buildings, structures, and equipment procured as part of the construction contract, will be transferred from DHS to USDA. Congressional authority is required to transfer NBAF real property without reimbursement by USDA. DHS will coordinate data requirements with USDA for asset and property management and provide appropriate data in a mutually agreed upon format to USDA.
- DHS will support the transfer of all necessary permits from DHS to USDA.

iii. Project Record

- DHS will provide a copy of all contracts for the project to USDA. DHS will retain responsibility for archiving the original contract files for the necessary time period to remain in compliance with applicable federal regulations and guidance for archiving documents.
- Subject to the availability of funds and pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 7101-7109, DHS will retain all legal, financial, and administrative responsibility for any contract claims arising out of DHS awarded and administered contracts for NBAF construction and related activities.
- Final architect-engineer design and construction documents will be provided to USDA, including as-built drawings, punch lists, operations and maintenance (O&M) manuals, commissioning reports, LEED documentation, final building information model (BIM), final contract documents, etc. DHS will retain responsibility for archiving construction project files for the necessary time period to remain in compliance with applicable federal regulations and guidance for archiving documents.

4.4. Phase 4: Following attainment of FOC

a. USDA Responsibilities:

i. Program Administration

- A process for addressing DHS priorities for research and development for foreign, emerging, and zoonotic diseases at NBAF will be developed with DHS, and an MOA will be established between the Parties in support of that process.
- USDA working groups will be phased out.

ii. Staffing

- Pending Congressional authorization, existing DHS S&T staff located at PIADC will have the opportunity to accept a USDA position at NBAF at the same grade level. For each DHS S&T position listed in Section 4.4 (b)(i) of this MOA, USDA will ensure there is a vacant position at NBAF at the same grade level. USDA and DHS will jointly determine the transfer process, including employee options and cost responsibilities, for DHS S&T staff located at PIADC.

b. DHS Responsibilities:

i. Staffing

- Pending Congressional authorization, DHS will support the transfer of DHS employees located at PIADC to USDA in accordance with applicable laws and regulations.
- DHS and USDA will jointly determine the transfer process, including employee options and cost responsibilities, for DHS S&T staff located at PIADC.
- Staff encumbering DHS positions at PIADC will have an opportunity to transfer to USDA and support NBAF operations, pending Congressional authorization. DHS will consult with USDA when modifying or backfilling these positions. The billets listed in #1-3 may have an opportunity to transfer to USDA earlier, as noted in Section 4.2 (b)(ii) of this MOA.
- DHS will require positions to support Plum Island closure activities. Staff encumbering positions identified as critical to closure will not be transferred to USDA. These positions will be filled through a competitive hiring action and identified as such. As these positions are encumbered, vacated positions will not be backfilled and it will reduce the personnel to be transferred to USDA. Therefore, there will be less than 33 DHS employees who will be transferred to USDA. The final list of DHS employees to be transferred to USDA, including series and grade, will be coordinated with USDA.

1. Microbiologist, DHS master record number 59585
2. Microbiologist, DHS master record number 20505

3. Microbiologist, DHS master record number 59584
4. Research Microbiologist, DHS master record number 64457
5. Microbiologist, DHS master record number 34192
6. Facilities Operations Specialist, DHS master record number 59492
7. Animal Caretaker Supervisor, DHS master record number 53613
8. Veterinary Medical Officer, DHS master record number 65436
9. Animal Caretaker, DHS master record number 22305
10. IT Specialist (Network), DHS master record number 21021
11. Environmental Protection Specialist, DHS master record number 30387
12. Biologist, DHS master record number 58515
13. Animal Caretaker, DHS master record number 19224
14. Management and Program Analyst, DHS master record number 34188
15. IT Specialist (Network), DHS master record number 56494
16. Animal Caretaker, DHS master record number 22304
17. Environmental Protection Specialist, DHS master record number 30387
18. General Engineer, DHS master record number 86087
19. Safety and Occupational Health Manager, DHS master record number 35275
20. Veterinary Medical Officer, DHS master record number 66344
21. Facilities Operations Specialist, DHS master record number 65211
22. Management and Program Analyst, DHS master record number 17067
23. Physical Security Specialist, DHS master record number 16863
24. Research Facility Operations Manager, DHS master record number 19787
25. Animal Caretaker, DHS master record number 22304
26. Management and Program Analyst, DHS master record number 55449
27. Emergency Program Specialist, DHS master record number 31372
28. Facilities Operations Specialist, DHS master record number 59492
29. Safety & Occupational Health Specialist, DHS master record number 30443
30. Microbiologist, DHS master record number 62894
31. Microbiologist, DHS master record number 62900
32. Animal Caretaker, DHS master record number 65684
33. Administrative Officer, DHS master record number 24390

ii. Program Administration

– In coordination with USDA, DHS will identify areas of mission synergy for future interagency scientific collaboration at the NBAF. DHS has a continued interest in the mission of protecting U.S. agriculture and maintaining NBAF as a national and international capability. A process for addressing DHS priorities for research and development for foreign, emerging, and zoonotic diseases at NBAF will be developed with USDA,

and an MOA will be established between the Parties in support of that process.

5. GENERAL PROVISIONS:

POINTS OF CONTACT: The following points of contact (POC) will be used by the Parties to communicate in the implementation of this MOA. Each Party may change its POC upon reasonable notice to the other Party.

For the USDA—

Elizabeth Lautner
Associate Deputy Administrator, Diagnostics and Biologics
USDA Animal and Plant Health Inspection Service (APHIS)
515-337-6161
elizabeth.a.lautner@usda.gov

Steven Kappes
Associate Administrator, Office of National Programs
USDA Agricultural Research Service (ARS)
301-504-4834
steven.kappes@usda.gov

For the DHS—

Julie Brewer
Director, Office of National Laboratories
DHS Science and Technology Directorate
Phone 202-254-6454
julie.brewer@hq.dhs.gov

Timothy Barr
NBAF Program Manager, Office of National Laboratories
DHS Science and Technology Directorate
Phone 785-320-6811
timothy.barr@hq.dhs.gov

REVIEW OF AGREEMENT: This MOA will be reviewed annually on or around the anniversary of its effective date.

MODIFICATION: This MOA may be modified, as needed, by the written agreement of the Parties, duly signed by their authorized representatives.

TERMINATION: This MOA may be terminated at any time upon the mutual written consent of the Parties.

TRANSFERABILITY: This MOA is not transferable except with the written consent of the Parties.

ENTIRE AGREEMENT: It is expressly understood and agreed that this MOA embodies the entire agreement between the Parties.

FOLLOW-ON AGREEMENTS: This is an overarching MOA under which the Parties intend to, and may enter into, subsequent agreements to meet the purpose of this MOA. All subsequent agreements will be within the scope of this MOA.

EXPIRATION DATE: This MOA expires three (3) years after its effective date, unless extended by mutual agreement of both the Parties during the triennial review.

EFFECTIVE DATE: This MOA takes effect beginning the day the last Party signs.

DISPUTES: Disputes related to this MOA shall be resolved in accordance with instructions provided in the Treasury Financial Manual Volume I, Part 2, Chapter 4700, Appendix 10, Intragovernmental Business Rules.

NO BENEFICIARIES: This MOA is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

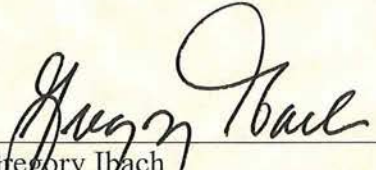
6. FINANCIAL DETAILS:

The Parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives and responsibilities. Each Party will carry out its separate activities in a coordinated and mutually beneficial manner.

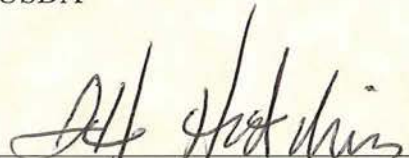
Nothing in this MOA shall obligate either Party to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, personnel, or property among various agencies and offices of the Parties will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOA does not provide such authority. Negotiation, execution, and administration of each such separate agreement must comply with all applicable statutes and regulations.

IN WITNESS WHEREOF, the Parties hereto have caused this MOA between USDA MRP, USDA REE, and DHS S&T to be executed as of the date of the last signature:

For the U.S. Department of Agriculture:

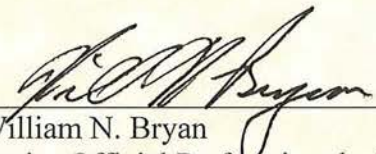


Date: 6.20.19
Gregory Ibach
Under Secretary, Marketing and Regulatory Programs
USDA



Date: 6/20/2019
Dr. Scott Hutchins
Deputy Under Secretary, Research, Education, and Economics
USDA

For the Department of Homeland Security:



Date: 6/20/2019
William N. Bryan
Senior Official Performing the Duties of the Under Secretary for Science and Technology
DHS